



## **STATE OF WISCONSIN – JUDICIAL COUNCIL**

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### **AGENDA**

#### **WISCONSIN JUDICIAL COUNCIL**

MAY 21, 2021 – 9:00 A.M.

CONDUCTED ONLY BY ZOOM

MADISON, WISCONSIN

**This meeting of the Council is being hosted by Scott Kelly, Chief of Staff of Senator Wanggaard. He has provided the following login information:**

**On 5/21/21 at 9 a.m., join Council Zoom Meeting using the following URL: <sup>1</sup>  
<https://zoom.us/j/93826787757> There is no password.**

**We want to thank Senator Wanggaard and Scott Kelly for their help. Please note the Public Notice at the end of this Agenda. Members of the public will be permitted to attend this meeting but must agree to refrain from disrupting the meeting in any. If anyone is unsure how to sign into the meeting, please email Bill Gleisner ([gleisnerwilliam@gmail.com](mailto:gleisnerwilliam@gmail.com)) or call him at 414-651-3182.**

- I. Roll Call and approval of the February 19, 2021 Minutes.
- II. **Restyling our Wisconsin Rules of Evidence.** In his Committee Report last month, Tom Shriner gave us exciting news. There is the possibility that Professor Dan Blinka (MU Professor of Evidence) may be willing to become a “reporter” of a Council effort to update our Wisconsin Rules of

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<sup>1</sup> Scott has provided the following additional information concerning the Zoom meeting:

Meeting ID: 938 2678 7757

One tap mobile

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Dial by your location

+1 301 715 8592 US (Germantown)

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Evidence. In such a capacity, Professor Blinka would presumably function initially in the capacity of an ad hoc member of the Evidence and Civil Procedure Committee.

- III. Professor Blinka is not necessarily advocating the adoption of new rules of evidence. However, our Wisconsin Rules of Evidence were adopted from the Federal Rules back in 1974. Since then, the Federal Rules of Evidence have been “restyled,” and Professor Blinka is suggesting that we consider a similar restyle of our Rules of Evidence. This is an exciting prospect, but what in the world does it mean to “restyle” rules?
- IV. As the Judicial Council, we should understand the concept of restyled rules of evidence or civil procedure before we enter into any discussions with Professor Blinka about the wisdom of doing so for Wisconsin. In our 5/21/21 meeting, we will discuss what it means to “restyle” rules with the help of two articles. The first article is from the Justia Blog (copy supplied with this Agenda) which gives a brief explanation and provides examples. The second article is from the UC Hastings College of Law Library and is a reprint of a law review article from the William and Mary Law Review: Clark, “The Restyled Federal Rules of Evidence,” 53 Wm. & Mary L. Rev. 1435 (2012) (copy also supplied with this Agenda).
- V. We will also touch on the possibility of restyling Wisconsin’s Rules of Civil Procedure. To that end, I am also supplying a brief article discussing the restyling of the Federal Rules of Civil Procedure.
- VI. Discussion of future relationship between the Wisconsin Judicial Council and the Wisconsin Supreme Court.
- VII. At our 5/21/21 meeting, I will also appoint a Nomination Committee for the purposes of selecting a slate of candidates for Chair and Vice Chair of the Judicial Council for next year.
- VIII. Committee Reports.
  - (a) Evidence & Civil Procedure Committee.
  - (b) Criminal Procedure Committee.
  - (c) Appellate Procedure Committee.
- IX. Adjournment.

#### **PUBLIC NOTICE**

All meetings of the Judicial Council and its committees are open to the public. The Council’s May 21, 2021 meeting will be conducted by Zoom. Members of the public

are welcome to join the meeting by using the URL which is set forth above, namely <https://zoom.us/j/93826787757>. However, members of the public must supply their name before they will be granted admission. In addition, the mikes of the public participants will be muted. If any member of the public disrupts the meeting in any way, they will be removed from the meeting and will be barred from readmission. For more information, please contact the Chair of the Judicial Council, Mr. Gleisner, at 414-651-3182 or [gleisnerwilliam@gmail.com](mailto:gleisnerwilliam@gmail.com).